

Applicant Desai, et. al.
Application No.: 09/446,783
Filed: May 16, 2000
2

PATENT
Attorney Docket No.: VPHAR1460-2
(071243-1301)

The Examiner's comments regarding the drawings are acknowledged. Replacement drawings will be filed in due course.

The Examiner's observation that the present application does not contain an abstract is respectfully submitted to be erroneous. The present application is a national stage filing of the corresponding PCT application. In accordance with PCT national stage applications, the abstract appears on the front page of the application rather than on a separate sheet immediately following the specification. Nonetheless, to expedite prosecution and for the Examiner's convenience, an abstract is enclosed herewith on a separate sheet.

The rejection of claims 45, 46, and 48-52 under 35 U.S.C. 102(e) as allegedly being anticipated by Desai, et. al. (U.S. Patent No. 5,916,596), is respectfully traversed. Applicants respectfully submit that the '596 patent is not a patent "by another". Specifically, Desai, Soon-Shiong, and Magdassi are named as inventors both on the '596 patent and on the present application. Thus, it is respectfully submitted that the rejection under 102(e) is not properly applied. Accordingly, reconsideration and withdrawal of the rejection of claims 45, 46, and 48-52 under 35 U.S.C. 102(e) are respectfully requested. *Wrongly indicated*

The rejection of claims 1-44 and 47 under 35 U.S.C. 103(a) as allegedly being unpatentable over Desai, et. al. in view of Langer, et. al. (*Seminars in Oncology*, 1997, 24, 4 *Wrongly indicated* Suppl. 12, p 81-88), is respectfully traversed. Applicants respectfully submit that Desai (the '596 patent) is not a patent by another and is therefore not properly cited as prior art.

Moreover, Applicants respectfully submit that Langer is also not properly cited as prior art. The present application claims priority to U.S. Serial No. 60/051,021, filed June 27, 1997, and therefore antedates Langer, whose publication date is August, 1997. Accordingly, reconsideration and withdrawal of the rejection of claims 1-44 and 47 under 35 U.S.C. 103(a) are respectfully requested.

Applicant Desai, et. al.
Application No.: 09/446,783
Filed: May 16, 2000
3

PATENT
Attorney Docket No.: VPHAR1460-2
(071243-1301)

In view of the above amendments and remarks, reconsideration and favorable action on all claims are respectfully requested. If any matters remain after consideration of this response, the Examiner is invited to contact the undersigned at the telephone number set forth below so that a prompt disposition of this application can be achieved.

Respectfully submitted,



Stephen E. Reiter
Registration No. 31,192
Telephone: (858) 847-6711
Facsimile: (858) 792-6773

Date: September 13, 2001

Foley & Lardner
P.O. Box 80278
San Diego, California 92138-0278

Enclosure (Abstract)